

**AMENDMENT UNDER 37 C.F.R. § 1.116**  
**U.S. Patent Appl'n No. 09/986,248**

**Atty Docket A8506**

**REMARKS**

Claims 1-10, 12-23, 25-29, and 31-32 have been examined and rejected. The status of the claims is as follows:

- Claims 1-3, 8-10, 13-15, 20-22, 25-26, 28-29 and 31 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,282,711 to Halpern.
- Claims 4-5 and 16-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Halpern.
- Claims 6-7, 12, 18-19, 23, 27 and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Halpern in view of U.S. Patent No. 6,075,943 to Feinman.

By this Amendment, claim 12 is cancelled. Accordingly, 1-10, 13-23, 25-29, and 31-32 are all the claims pending in the present application.

**CLAIM AMENDMENTS**

Claim 12 is cancelled by this Amendment

**35 U.S.C. § 102 REJECTION**

Claims 1-3, 8-10, 13-15, 20-22, 25-26, 28-29 and 31 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,282,711 to Halpern. Applicant respectfully traverses the rejection and requests reconsideration for at least the following reasons.

Claim 1, for example, is directed to receiving a response message from a server in which the response message contains a plurality of objects packed into the response message. Claim 1 requires "automatically unpacking the plurality of objects contained in the response message." It is respectfully submitted that Halpern does not disclose this limitation and therefore does not anticipate claim 1.

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In the Office Action, it is asserted that Halpern, at col. 4, lines 14-19, discloses automatically unpacking the plurality of objects contained in a response message. However, that portion of Halpern states:

For a self-extracting executable containing decompression and auto-start utilities, the user simply executes the received setup.exe or install.exe file. This executable may also include the client installer program, which may be merely a cloned copy of the installer set generator program. The client installer program may be configured to permit further user interaction, or if selections have already been made at the server level, may just install the contents of the package without further user interaction.

Halpern col. 4, lines 9-19.

Halpern does not disclose "automatically unpacking the plurality of objects contained in the response message," as required by claim 1, but rather discloses that a user must execute the received setup.exe or install.exe file. In stating that the client installer program "may be configured to permit further user iterations," (emphasis added), Halpern makes clear that the user must at least take the action of executing the received setup.exe or install.exe files. This is not "automatically unpacking the plurality of objects" as required by claim 1. Accordingly, Halpern does not anticipate claim 1.

Since claims 2-3 depend from claim 1, it is respectfully submitted that they are patentable over Halpern for at least the same reasons.

For reasons analogous to those presented above with respect to claim 1, Applicants submit that claims 13 and 25 are patentable over Halpern. Applicants further submit that claims 14-15, which depend from claim 13, and claims 27-27, which depend from claim 20, are patentable for at least the same reasons.

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Claim 8 requires "automatically packing the retrieved plurality of objects into a response message; and transmitting the response message to the client, wherein the response message includes an indicator of the order in which the packed objects are to be presented." On page 8 of the final Office Action, the Examiner admits that Halpern does not teach that the response message includes an indicator of the order in which the packed objects are to be presented. Accordingly, it is respectfully submitted that Halpern does not anticipate claim 8, or claims 9-10 which depend from claim 8.

For reasons analogous to those presented above with respect to claim 8, Applicants submit that claims 20 and 28 are patentable over Halpern. Applicants further submit that claims 21 and 22, which depend from claim 20, and claim 29, which depends from claim 28, are patentable for at least the same reasons.

Claim 31, like claim 8, recites "wherein the response message includes an indicator of the order in which the packed objects are to be presented." Accordingly, it is respectfully submitted that Halpern does not anticipate claim 31. It is respectfully submitted that claim 32 is patentable for at least the same reasons as claim 31, from which it depends.

### **35 U.S.C. § 103 REJECTIONS**

#### **A. Claims 4-5 and 16-17**

Claims 4-5 and 16-17 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Halpern in view of the Examiner's mere assertion that it would have been obvious to one of ordinary skill in the art "to provide the user with the option of sending the request to the server as

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either a single package or as a plurality of packages.” Without addressing the merits of the Examiner’s assertion regarding what would have been obvious to one of ordinary skill in the art, the Examiner’s asserted modification of Halpern fails to cure the deficiencies of Halpern discussed above. Accordingly, Applicants submit that claims 4-5 and 16-17 are patentable over Halpern for at least the same reasons as claim 1 and 13, discussed above.

**B. Claims 6-7, 18-19, 23, 27 and 32**

Claims 6-7, 18-19, 23, 27 and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Halpern in view of U.S. Patent No. 6,075,943 to Feinman. These claims were rejected on similar grounds in the previous Office Action. For at least the following reasons, Applicant respectfully traverses.

**1. Claims 6-7, 18-19 and 27**

It is respectfully submitted that Feinman fails to cure the deficiencies of Halpern discussed above with respect to independent claims 1, 13 and 25, from which claims 6-7, 18-19 and 27 depend, respectfully.

Further, with respect to claim 6, the Examiner acknowledges that Halpern fails to teach or suggest a method wherein “outputting the plurality of unpacked objects in an order indicated in the response message” as recited in claim 6. To cure this deficiency, the Examiner relies on Feinman, which the Examiner alleges teaches “the outputting of applications having a certain order, as indicated by the server.” (Office Action at p. 7). The Examiner then asserts that one of ordinary skill would modify the system of Halpern according to the teachings of Feinman to

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arrive at the method recited in claim 6. However, even assuming the one of ordinary skill in the art would have been motivated to combine the teachings of Halpern and Feinman, one would not arrive at the method of claim 6.

The Examiner relies on the disclosure at col. 3, line 43 to col. 4, line 12 to provide the limitation in claim 6 of "outputting the plurality of unpacked objects in an order indicated in the response message." (Office Action at p. 7). However, this portion of Feinman does not disclose the limitation of claim 6. Feinman, at col. 4,

Feinman relates to a system for distributing files from a source computer onto a remote client or user. (Col. 1, lines 53-55). In the system disclosed in Feinman, an application program is compressed into one file, sent to a remote client, and unpacked and installed at the remote client. (Col. 1, lines 56-63). Figure 1A illustrates an installation system for installing programs on remote clients. (Col. 2, lines 34-36). As expressly stated, this system runs on the source computer. (Col. 2, lines 47-48). This system, resident on a source computer, uses a sequential file (see Fig. 7) to send programs to a remote client at an appropriate time. (Fig. 1A; col. 2, lines 42-55). Thus, Feinman fails to teach "outputting the plurality of unpacked objects in an order indicated in the response message" as recited in claim 6.

The sequential file shown in Fig. 7 that controls the timing of the delivery of programs to a remote client (see col. 2, lines 42-46) is not part of a response message from a server, but a separate and distinct file resident on a source computer. (Fig. 3; col., lines 48-65). Nothing in

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Feinman teaches or suggest including the sequential file in a response message or otherwise including any indicator in the response message for indicating any output order.

For at least this additional reason, Applicant respectfully submits that claim 6 is patentable over the combination of Halpern and Feinman. As independent claims 18 and 27 recited similar limitations as claim 6, Applicant respectfully submits that these claims are patentable over the combination of Halpern and Feinman for reasons analogous to those presented above with respect to claim 1. As dependent claims 7 and 19 depend from claim 6 and 18, respectively, Applicant respectfully submits that claims 7 and 19 are patentable over the combination of Halpern and Feinman at least based on their respective dependencies.

**2. Claims 8-10, 20-23, 28-29 and 31-32**

In response to the previous Office Action, in which the Examiner rejected claims 8-10, 20-23, 28-29 and 31-32 on substantially the same grounds, Applicant argued:

Claim 8 recites a method "wherein the response message includes an indicator of the order in which the packed objects are to be presented." The Examiner acknowledges that this element is absent from the teachings of Halpern. To overcome this deficiency, the Examiner relies on Feinman. The Examiner asserts that Feinman discloses at col. 3, line 34-col. 4, line 12 "the outputting of applications having a certain order, as indicated by the server." The Examiner then asserts that it would have been obvious to one of ordinary skill in the art to modify the teachings of Halpern so to include the ordering of objects to be packaged. The motivation to make this combination and further modification, according to the Examiner, is to provide an efficient means of allowing the server to dictate the order in which objects must be presented.

Feinman discloses that application programs to be sent over a communications network can be associated with a sequential file 100. See Fig. 10, col. 3, line 34-col. 4, line 12. The sequential file 100 contains the date to install the program, the time to install the program, an install/skip instruction, a string value representing the compressed program to be installed, the delivery

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point and target information. Fig. 10; col. 3, line 34-col. 4, line 12. The sequential file is then sorted so that the program having the earliest install time and date is at the top of the list. Col. 4, lines 5-12. Upon arrival of the install time and date, the specific compressed program is then sent to the appropriate client for installation. *See* Figs. 4-6. Thus, Feinman discloses sending individual compressed programs upon the arrival of the delivery time associated with each program. However, it is respectfully submitted that Feinman does not teach or suggest a method "wherein the response message includes an indicator of the order in which the packed objects are to be presented," as required by claim 8.

Applicant reasserts these arguments herein.

In response to these arguments, the Examiner argues that Feinman teaches at col. 3, lines 7-43 and col. 5, lines 49-55 teach a "response message [that] includes an indicator of the order in which the packed objects are to be presented." (Office Action at p. 15). The Examiner contends that because a decompression program is used, the message necessarily includes an indicator of the order to present data. This assertion, however, is not supported by any of the cited references. While Feinman's decompression program may read from a compressed file a decompression command that informs the decompression program *where* to store the decompressed files (col. 5, 51-55), this does not teach or suggest an *order* in which objects are to be *presented*. Further, at col. 4, lines 5-12, Feinman merely discloses sorting a sequential file 100 which builds the "order of application delivery." However, it is respectfully submitted that this portion of Feinman, which relates only to application *delivery*, does not teach specifying an order in which objects are to be *presented*, as required by claim 8.

Accordingly, Applicants submit that claim 8 is patentable over Halpern and Feinman, either alone or in combination. As claims 9-10 depend on claim 8, Applicants submit that these claims are patentable at least based on their dependency on claim 8.

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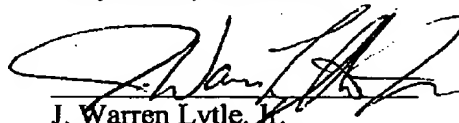
For reasons analogous to those presented above with respect to claim 8, Applicants submit that claims 20-23, 28-29 and 31-32 are patentable over the combination of Halpern and Feinman.

**CONCLUSION**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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